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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/384,931	08/26/99	ROBINSON M. D.	L ROB-301

QM32/0920
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EXAMINER

WONG, S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/20/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/384,931

Applicant(s)
Robinson

Examiner
Steven Wong

Group Art Unit
3711



☒ Responsive to communication(s) filed on Aug 26, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-31 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-31 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 19-23 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 19, the step for determining the path along which the golf ball should be putted is seen as a mental step by the golfer.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 9-15, 17-20 and 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Zoretic et al. Regarding claim 1, Zoretic et al. disclose a representation of a green (40) and a plurality of indicia (60, 62) which identify a path along which a golf ball will travel when putted.

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Regarding claims 2 and 3, as the indicia of Zoretic et al. represent putts of the golfer and a golfer is inherently capable of making both straight and curved putts, the putting lines are seen as inherently teaching both a straight and curved putt line.

Regarding claim 4, the putting line of Zoretic et al. is seen as defining a convergence band which inherently identifies a region within which putted golf balls will travel to a common terminal location.

Regarding claim 5, because the indicia of Zoretic et al. represents the path of the putted golf ball, the path is seen as being inherently determined by the trajectory of the ball.

Regarding claim 6, the indicia of Zoretic et al. shows end points for the path and the putted golf ball will inherently deviate from the path at the end point.

Regarding claim 9, Zoretic et al. note that path (60) is a reminder of the slope features of the particular portions of the green (column 9, lines 31-33). Thus, the path is seen as providing elevation indicia depicting the topographical profile of the green.

Regarding claim 10, note column 9, lines 21-38 of Zoretic et al. which state that the paths (60, 62) are utilized to indicate to the golfer the slope direction of the green.

Regarding claims 11 and 12, the paths (60, 62) of Zoretic et al. are seen as identifying determined paths along which a golf ball will travel regardless of the direction at which the golf ball is putted along the path.

Regarding claims 13 and 14, note the rejections of claims 1 and 9 above. Further, Zoretic et al. provide the device as a booklet with representations of each of the greens.

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Regarding claim 15, note the rejection of claim 6 above.

Regarding claim 17, note the rejection of claim 3 above.

Regarding claim 18, note the rejection of claim 4 above.

Regarding claim 19, the recited steps represent an inherent method by which one of ordinary skill in the art would utilize the device of Zoretic et al.

Regarding claim 20, note the rejection of claim 9 above.

Regarding claim 23, Zoretic et al. depict a sandtrap (26).

Regarding claim 24, Zoretic et al. disclose creating the topographical representation of a green and determining and projecting the plurality of paths on the topographical representation.

Regarding claim 25, Zoretic et al. provide a representation for each of the greens at a particular golf course.

Regarding claims 26 and 27, Zoretic et al. provide the device to accomplish the recited method steps.

Regarding claims 28 and 29, Zoretic et al. teach the repeated putting of a ball along the path to study the path of the ball. Thus, Zoretic et al. is seen as inherently teaching for the studying of the path of the ball to determine if the path meets selected criteria.

Regarding claims 30 and 31, Zoretic et al. note that subsequent putts may be too long or too short (column 9, lines 30-38). Thus, Zoretic et al. teaches repeated propelling of the golf ball along the path with different force.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoretic et al. Note column 6, lines 56-60 which teach that additional comments on the physical features and/or playing conditions of the golf hole may be recorded. Thus, it would have been obvious to one of ordinary skill in the art to have the golfer record the average speed of the green in order to permit consideration of this data during future putts on the green.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

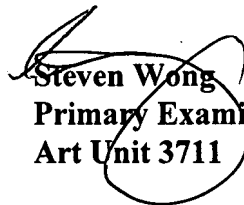
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

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Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
September 15, 2000